

## DUNEDIN CITY COUNCIL

### Background

- 1 The Dunedin City Council (hereafter referred to as the “Council”), in accordance with section 101H of the Local Government Act 1974 (hereafter referred to as the “Act”), carried out a review of its membership and the basis of the election of its members prior to the triennial general election to be held in October 1998.
- 2 The present membership is a Mayor, and 18 members elected from the following 10 wards:

<b>Wards</b>	<b>Members</b>
Chalmers	1
Leith	2
Flagstaff	2
Hills	2
Peninsula	2
South Dunedin	3
Green Island/Saddle Hill	2
Mosgiel	2
Taieri	1
Waikouaiti Coast	1

- 3 The Council commenced its review through the appointment of a Representation Review Team in July 1996. The team consisted of Ms Irene Scurr (Chair), Dame Dorothy Fraser, and Mr Peter Alloo.
- 4 The Review Team carried out public consultation and then submitted its preliminary findings to the Council in December 1996. The team recommended a central metropolitan ward and three other wards. The Central Ward was to comprise the areas of the Leith, Flagstaff, Hills, South Dunedin, Peninsula, Green Island/Saddle Hill and Chalmers wards.
- 5 The Council resolved not to comment on the recommendations at that stage but instead requested the Team to consult with the public on its recommendations.
- 6 The review team sought public submissions and also engaged the University of Otago Consulting Group to carry out a survey of public perception in regard to aspects of the Council’s basis of election. The team then submitted its final recommendations to the Council on 12 May 1997. This was essentially the same as its preliminary recommendation except that an area in the north of the Chalmers Ward was to be transferred to the Waikouaiti Ward.

- 7 After considering the review team's recommendations, the Council rejected them and requested council staff to report on a structure which retained the ward system but reduced the number of councillors to 14 with a member to population ratio of 1:8500, plus or minus 500. It was acknowledged that in attempting to meet this ratio, anomalies as to communities of interest and geography resulted. These were adjusted to some extent in the proposal which was adopted by the Council at its meeting on 9 June and publicly advertised shortly thereafter.
- 8 The Council received 1481 objections and submissions, the majority of which were coupons printed in the Otago Daily Times. The Otago Daily Times had published editorial comment supporting an election "at large" and had urged readers to support by way of submitting to the Council coupons printed in that newspaper.
- 9 The objections and submissions were considered by the Council on 21 July when it resolved to alter its proposal to one for four wards - a Central Ward as proposed by the Review Team in its preliminary recommendations, and the current Mosgiel, Taieri and Waikouaiti Coast wards, each to elect one member.

### **Appeals and Counter-objections**

- 10 The Council received 70 appeals and counter-objections. They can be summarised as follows:

Eight appellants mainly supported the Council's proposal but preferred twelve councillors in the proposed structure, with nine councillors in the Central Ward. They were:

N L and J W Craighead	Ms Barbara Calvert
Miss Margaret Cameron	Sir Clifford Skeggs
Mrs L Hook	C R Oaten
Eric Lye and Ima Hodges	Mr George Emery

Two appellants mainly supported the Council's proposal but preferred to have ten councillors in the proposed structure. The appellants were:

Mr John Clover  
Mr David Bridgman

Three appellants mainly supported the Council's proposal but preferred to retain eighteen councillors in the proposed structure. They were:

Councillor Anne Turvey  
Mr Alan McDonald  
Councillor Maurice Prendergast

Mr Alan P Reed mainly supported the Council's proposal but preferred to have two councillors for the Mosgiel Ward in the proposed structure.

Chris Pearson proposed to amalgamate the two rural wards, Waikouaiti Coast and Taieri, because the representation in the Waikouaiti Ward is disproportionate. He also proposed, as an alternative, that one super ward should be formed covering the entire Dunedin City area resulting in an election at large.

A K Harrison proposed that the Dunedin City Council should be elected by an election at large without separate wards.

Mr David Morton proposed that there be twelve councillors elected at large.

Twenty-four appellants preferred to retain the current ten ward system represented by eighteen councillors and one mayor. These were:

Ms L Rousselot & Mr H Rebmann	Ms F Ogilvy
W MacKay	Ms Jean Butler
Mr Colin Weatherall on behalf of the Saddle Hill Community Board	L J Himburg on behalf of the Otago Labour Regional Council
Ms L J Himburg	Mr Colin Weatherall
Mr Philip Eastwood	Mr Pete Hodgson MP
Mr Michael Gibson	Ms Kath Munro
Mr Robert Cochrane	Airini Taylor
B R Downes	Mrs S J McChesney
L W Vorgers	Ms Lana Oranje
Councillor W A Gray	Councillor Jim Downes
Mr Kerry Grundy	Ms Coralie Daniel
Mr Mark Baxter	Mr Murray O'Neill

Five appellants proposed to retain the current ten ward system but reduce the number of councillors to fourteen. They were:

Mr R L and Mrs D I White  
Ms K Dehn  
Ms K Dehn on behalf of the Advisory and Support Centre Otago  
B Watts  
Councillor David Benson-Pope

Councillor Teresa Stevenson proposed to retain the current ten ward system but include an additional seat for Maori representation and some boundary alterations. The Maori representative would be elected by Ngai Tahu iwi in Dunedin.

A S Harris proposed a system of three wards with twelve councillors for the Central Ward, one councillor for the Taieri Ward and one councillor for the Waikouaiti Coast Ward. Boundary changes to the Council's proposal would

be required to include Mosgiel in the Central Ward while other alterations were also suggested.

Mr Philip Temple proposed that the Council should only consider a multi-member Central Ward if the Standard Transferable Vote (STV) method of election is used. The STV Bill is currently before Parliament. Also, the Peninsula should be a separate ward and not included in the Central Ward.

S D Adie proposed that, if the Council's proposal is accepted, then the councillors' salaries and powers should be regulated.

Four appellants preferred to adopt the initial proposal by the Council's Review Team, released on 9 June 1997. They were:

B J Naylor  
Ms Lorraine Hunter  
Mr Gary Jones  
Mr Colin Scott.

Councillor Elizabeth Hanan proposed that Chalmers should be a separate ward with one councillor and not part of Central Ward. Central would have ten councillors and Saddle Hill would become part of the Mosgiel Ward. The Council would have a total of fifteen councillors.

Mr Brian Ellis proposed that there should be fourteen councillors. Wards should be of similar population size with boundaries based on communities of interest.

Thirteen appealed or counter-objected to the Council's decision but did make further comment. They were:

Mayor Sukhi Turner	Mr I R Pairman
Ms I M Pairman	Mr Roger McLaughlin
V L Ellicott	Mr Ray Macleod
Ms Vicky Carthew	Mr R Good
Mr R H McCormick, JP	Mr T van Kampen
Mr Stephen Horton	Ms Sue White
Ms Trudi Sunitsch	

G T Callanan proposed an alternative local government structure.

### **Matter for Preliminary Determination**

- 11 The Commission on receiving advice of the appeal, resolved that, before making a determination of this appeal, it would meet with representatives of the Council and with those appellants and counter-objectors who wished to be heard. The date of the meeting was fixed for 29 and 30 October 1997.

## The Hearing

- 12 The Commission met with representatives of the Council and with those appellants and counter-objectors who wished to be heard. Appearing for the Council were Councillor John Bezett, and the members of the Review Team.
- 13 Councillor Bezett outlined the reasons for the Council having made the decision it did. They were that:
- the proposal represented public opinion as conveyed through the objection process, particularly the extensive support for the Central Ward;
  - the fact that the proposal recognised the rural communities of interest as well as the community of interest of the metropolitan area;
  - the survey undertaken for the Review Team showed a preference among respondents in the urban area for at large elections and the concept of a central ward addressed this preference;
  - the proposal for a central ward will enable voters to vote for a number of candidates, which overcomes a perceived difficulty of the ward structure whereby voters can vote for only a small number of candidates;
  - the proposal has a fairer member to population ratio than the current ward system;
  - a 14 member council is appropriate for the needs of the City; and
  - the proposal overcomes the perceived artificiality of the urban ward boundaries which many do not believe represent true communities of interest.
- 14 The remainder of the first day and the whole of the second was given over to submissions from appellants and counter-objectors. Those who appeared are as follows:
- S D Adie, Chairman, Dunedin Ratepayers & Householders Association  
Councillor David Benson-Pope  
Robert Cochrane, Taieri Residents & Ratepayers Association  
Brian Ellis, New Zealand Labour Party  
Councillor W A Gray  
A S Harris  
Stephen Horton  
R H McCormick, JP  
Alan McDonald  
David Morton  
Kath Munro, Chairperson, Chalmers Community Board and Peter Neilsen  
Andrew Noone, Chairperson, Waikouaiti Coast Community Board  
Murray O'Neill  
Councillor Maurice Prendergast  
Alan Reed  
Councillor Teresa Stevenson  
Sukhi Turner, Mayor of Dunedin City  
Councillor Anne Turvey

Mr Vorges  
Richard Walls  
Colin Weatherall  
Colin Weatherall, Chairperson, Saddle Hill Community Board  
Sue White  
Kate Wilson, Strath Taieri Community Board  
Mr G T Callanan

15 The major issues canvassed were as follows:

- the degree to which residents of the central urban area had a single focus, and conversely the degree to which distinct communities of interest existed in that area;
- the degree to which Mosgiel is a separate community of interest, distinct from the Taieri Ward and the Dunedin urban area;
- the distinct community of interest of the Taieri and Waikouaiti Coast wards;
- the ease of campaigning in a larger central ward, and the ability of electors to choose from a larger range of candidates;
- the number of councillors required to effectively deal with the business of the council and to represent communities of interest;
- the desirability of wards having equity in terms of population and representation;
- the role of the Otago Daily Times in promoting the concept of a central ward; and
- the role of community boards in the Council's decision-making processes.

### **Matters for Determination**

16 The statutory provisions in respect of this appeal are contained in sections 101K and 101L of the Act. Section 101K(1) states:

- "(1) The Commission shall before the 29th day of March of the year of each triennial election -*
- (a) Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under Section 101J of this Act; and*
  - (b) Subject to Section 101L of this Act, determine the number of wards or constituencies and their names and boundaries, and the number of members to be elected by the electors of each ward or constituency or, as the case may be, by the electors of the district as a whole."*

17 The relevant provisions of Section 101L are subsections (2) and (3) which state:

- "(2) In determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more wards and in determining (where necessary) the number and boundaries of wards,*

*the territorial authority and, where appropriate, the Commission shall ensure -*

- (a) that the election of members of the council by the electors of the district as a whole or by the electors of the two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and*
- (b) that ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and*
- (c) that, so far as is practicable, ward boundaries coincide with community boundaries.*

*“(3) In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the Ward or ward receive fair representation having regard to the population of every Ward or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards.”*

### **Consideration by the Commission**

18 The Commission considers when deciding:

- (a) whether the election of the members of a council (other than the Mayor) be by the electors of the whole district or on a ward basis; and
- (b) if on a ward basis, the number and boundaries of the wards,

that the only criterion to be met within the terms of section 101L(2) is the provision of effective representation of the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest. What the Commission has to do then is determine which communities of interest or groupings of communities of interest require representation.

19 The Commission further considers that when deciding on the number of councillors to be elected by the electors of any ward, the sole criterion to be met under section 101L(3) is the provision of fair representation of the electors of the various wards within the district. In deciding this fairness of representation, the Commission must have regard primarily to population, but if this factor alone does not, in the opinion of the Commission, achieve fairness then regard should be given to rateable value and area or other relevant characteristics of the various wards. In the opinion of the Commission, population must constitute the predominant factor, but different weightings or even no weighting can be applied to all factors as are appropriate in any given circumstances. The Commission does not consider that any particular formula must be applied and consequently, any mathematical calculation should be seen only as a guide to a level of fairness which can be achieved on the basis of

the factors required to be taken into account under the provisions of the Act. In the end though, the final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide the fairest representation on balance for the electors of each ward.

20 In the Commission's opinion, its first responsibility, which also applied to the Council, was to decide whether or not the district should be divided into wards, and if so the number and boundaries of those wards to provide effective representation of communities of interest within the district.

21 Three appeals proposed an at large system. When this proposal was addressed by the Commission in 1995, its determination stated that:

"[It] notes that Dunedin contains, within the largest area of any urban authority in New Zealand, a large number of differing communities of interest. These communities range from those which are completely urban to those which are completely rural. The Council has accepted that these differing communities require the existence of a ward structure in order to ensure that they are effectively represented on the Council. The Commission agrees that this is the situation. It further finds that this situation has not changed since this matter was last considered by its committee in 1992, and believes that it is not likely to change within the foreseeable future. Therefore, the Commission holds that the division of the City into wards for electoral purposes is appropriate."

22 This Commission concurs with this finding, in particular that Dunedin City has a large number of communities of interest, and that a ward system is required to ensure that those communities of interest receive effective representation.

23 The next question to be answered is "which communities of interest or groupings of communities of interest require separate representation to ensure effective representation?". This was in fact the issue raised in the vast majority of appeals.

24 The Commission heard a considerable amount of evidence that the areas covered by the present Taieri, Waikouaiti Coast and Mosgiel wards constitute distinct communities of interest. In the case of the first two mentioned of those wards, the rural nature of those wards, their size and relative isolation of some areas were cited as requiring separate representation. In the case of Mosgiel, its role as a rural service centre and its separation from the Dunedin urban area were cited. The possibility of merging the Mosgiel and Taieri wards was discussed in the course of the hearing, but discounted on the basis that the characteristics of the two wards were quite different, and because the population dominance of Mosgiel would not ensure the effective representation of the current Taieri Ward.

25 The Commission has therefore decided that the existing Taieri, Waikouaiti Coast and Mosgiel wards should remain.

- 26 The next question to be considered is what the ward structure should be for the area proposed by the council to be included in the Central Ward.
- 27 The argument put by the council in arguing for a Central Ward was that all the area to be included in that ward had a single focus. The Commission accepts that this is probably so as each area will have an interest in the broad issues facing the urban area and on its services and infrastructure. However this does not necessarily mean that other, smaller and more localised communities of interest do not exist.
- 28 The Commission considers that some very distinct communities of interest exist in the Dunedin urban area. The most distinct of these are perhaps Port Chalmers and the rural part of the Otago Peninsula. However, even within the core of the urban area, the Commission considers there to be easily discernible communities of interest formed through geographic features, major roads, and the character and history of particular areas. In the view of the Commission, these communities of interest are sufficiently distinct to require some form of separate representation and therefore separate wards.
- 29 Following on from this decision, the Commission had to determine what the boundaries of those wards should be.
- 30 Inherent in the concept of effective representation for communities of interest is the ability for those communities to receive fair representation. In a predominantly urban district such as the Dunedin urban area, this would normally be determined solely on the basis of population. The following table analyses the current distribution of membership between wards in the Dunedin urban area.

<b>Ward</b>	<b>Population</b>	<b>%</b>	<b>Statistical entitlement</b>	<b>Actual members</b>
Chalmers	5557	5.54	0.77	1
Leith	19034	18.98	2.66	2
Flagstaff	14017	13.98	1.95	2
Hills	16898	16.85	2.36	2
South Dunedin	19594	19.54	2.74	3
Peninsula	13635	13.60	1.90	2
Green Island/Saddle Hill	11522	11.49	1.60	2
<b>Total</b>	<b>100257</b>	<b>100.00</b>	<b>14</b>	<b>14</b>

- 31 In the view of the Commission the current system results in both over and under-representation in various parts of the City. In particular, there is gross under-representation of the Leith and Hills wards, and significant over-representation of the Green Island/Saddle Hill Ward. The Chalmers Ward also appears to be over-represented, this being a result of the decision to constitute

a separate ward and of the requirement for every ward to have at least one member.

32 What the Commission has therefore decided to do is design a ward system that reflects communities of interest, ensures their effective representation, and enables fair representation to be achieved. The system the Commission has devised is broadly as follows:

- **Cargill Ward:** comprising the current Chalmers and Leith wards; the central area bounded by the Town Belt in the west and the current northern boundary of the South Dunedin Ward in the south; and a small area in the Woodhaugh Garden area which is currently in the Flagstaff ward;
- **Hills Ward:** comprising the current Flagstaff and Hills wards; and a small rural area to the west of Brockville, Bradford and Kenmure, less the Woodhaugh Gardens area to be included in the new Cargill Ward;
- **South Dunedin Ward:** comprising the current South Dunedin and Peninsula wards, and the Burnside and Concord areas;
- **Green Island-Saddle Hill Ward:** comprising the current Green Island/Saddle Hill Ward, less the rural area to be included in the new Hills Ward and the Burnside and Concord areas.

33 The Commission looked at a number of options before deciding on this particular option. In devising this system, the Commission has achieved what it considers to be a reasonable equity of population between wards. It has not however done this as a purely mathematical exercise. Although, in a large urban area, determining precisely where communities of interest begin and end is a difficult and rather subjective task, the Commission has gone to some lengths to ensure that the boundaries of these wards do not split communities of interest. If it had thought that splitting communities of interest would be the result, it would have designed some other configuration.

34 Having determined what the boundaries of the wards are to be, the next issue before the Commission was the number of members to be elected by each ward. The populations, statistical entitlement and the possible number of members for the wards in the urban area are as follows:

Ward	Population	%	Members				
			10	11	12	13	14
Cargill	29098	29.02	2.90	3.19	3.48	3.77	4.06
Hills	26476	26.40	2.64	2.90	3.17	3.43	3.70
South	35378	35.33	3.53	3.88	4.23	4.59	4.94
GI-SH	9325	9.30	0.93	1.02	1.12	1.21	1.30
Total	100277	100.00	10	11	12	13	14

The Commission considers that the fairest representation between these wards is achieved with a total of 11 members being elected from the four wards.

- 35 The population of the Mosgiel Ward is 9897. The Commission has already determined that Mosgiel forms a distinct community of interest requiring separate representation. Implicit in this decision is a requirement for the ward to be represented by at least one member. The Commission notes that using the same method of apportionment as was used for the 4 urban wards, the Mosgiel Ward would be entitled to 1.08 members. On this basis, the allocation of one member to the Mosgiel Ward is seen as being fair in any case.
- 36 The two remaining wards, Taieri and Waikouaiti Coast as noted above constitute distinct communities of interest requiring separate representation. As they are to remain as wards, they continue to be entitled to the minimum representation of one member each.

### **Determination**

- 37 Pursuant to s 101K of the Act, the Commission hereby determines that for the triennial general election in 1998:
- (1) Dunedin City, as delineated on SO Plan No 23761 deposited with the Chief Surveyor of the Otago Land District, shall be divided into seven wards:
  - (2) those seven wards shall be:
    - (a) the Waikouaiti Coast Ward, comprising the area delineated on SO Plan No 24242 deposited with the Chief Surveyor of the Otago Land District;
    - (b) the Taieri Ward, comprising the area delineated on SO Plan No 23745 deposited with the Chief Surveyor of the Otago Land District;
    - (c) the Mosgiel Ward, comprising the area delineated on SO Plan No 23146 deposited with the Chief Surveyor of the Otago Land District;
    - (d) the Green Island-Saddle Hill Ward, comprising the area delineated on SO Plan No 24797 deposited with the Chief Surveyor of the Otago Land District;
    - (e) the South Dunedin Ward, comprising the area delineated on SO Plan No 24795 deposited with the Chief Surveyor of the Otago Land District;
    - (f) the Hills Ward, comprising the area delineated on SO Plan No 24796 deposited with the Chief Surveyor of the Otago Land District;
    - (g) the Cargill Ward, comprising the area delineated on SO Plan No 24794 deposited with the Chief Surveyor of the Otago Land District.
  - (3) The Council shall comprise a Mayor and 14 members of whom:

- (a) one member shall be elected by the electors of the Waikouaiti Coast Ward; and
- (b) one member shall be elected by the electors of the Taieri Ward; and
- (c) one member shall be elected by the electors of the Mosgiel Ward; and
- (d) one member shall be elected by the electors of the Green Island-Saddle Hill Ward; and
- (e) four members shall be elected by the electors of the South Dunedin Ward; and
- (f) three members shall be elected by the electors of the Hills Ward; and
- (g) three members shall be elected by the electors of the Cargill Ward.

38 As required by section 101L of the Act, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

### **The Local Government Commission**

Ian Lawrence (Chairman)  
Barbara Durbin (Commissioner)  
Robin Wilkins (Commissioner)

27 March 1998